

AN ACT

ENTITLED, An Act to revise residency for the purposes of special education and to revise the distribution of state aid to special education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 13-28-9.1 be amended to read as follows:

13-28-9.1. A child in need of special education or special education and related services assigned to and enrolled in an approved out of district special education residential or tuition day program by an individualized education program team has school residence in the school district making the assignment. The residency of a child assigned to an approved out of district special education residential or tuition day program may not change until the end of the fiscal year or until the parent or guardian enrolls the child in another school district, and that school district provides special education services to the child.

Section 2. That chapter 13-37 be amended by adding thereto a NEW SECTION to read as follows:

If the parents or guardian of a child assigned to and enrolled in an out of district special education residential or tuition day program move to another South Dakota school district and that school district provides special education services to the child, the Department of Education and Cultural Affairs shall allocate any state aid to special education attributable to the child received or scheduled to be received by the resident school district as defined by § 13-28-9.1 to the school district to which the parents or guardian have moved for the period of time that the resident school district is not providing special education services to the child. For the purposes of this Act, an approved special education program includes out-of-district residential programs and tuition day programs.

Section 3. The Department of Education and Cultural Affairs may promulgate rules pursuant to chapter 1-26 to provide for the reallocation of state aid to special education as provided for in this

Act.

An Act to revise residency for the purposes of special education and to revise the distribution of state aid to special education.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 145

\_\_\_\_\_  
Secretary of the Senate  
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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 145  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor  
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STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State